

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BOOKER T. GUTTER, III,

Plaintiff,

v.

Case No. 05-C-1222

**BANK ONE and
CHASE,**

Defendants.

DECISION AND ORDER

The plaintiff, in the above-entitled action, has not effected service of process within the time required by Fed. R. Civ. P. 4(m), and the defendants have not waived service under Fed. R. Civ. P. 4(d). This Court issued a warning letter on March 27, 2006 advising the plaintiff to effect proper service or provide an explanation establishing good cause for his failure to do so. The Court has not received any communication in response to its letter and, pursuant to E.D. Wis. Civil L.R. 41.1, retains the power to dismiss actions where plaintiffs fail to properly effect service in accordance with the Federal Rules of Civil Procedure.

**THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED
THAT**

The above-entitled action is hereby **DISMISSED** without prejudice.

Dated at Milwaukee, Wisconsin, this 24th day of April, 2006.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge